

Jason B. Duncan (PA, NJ)

Direct Dial: 717-232-1886  
Fax: 717-232-4189

Email: [JDuncan@lawpga.com](mailto:JDuncan@lawpga.com)

**PETER ANGELOS LAW**

GOVERNOR'S PLAZA SOUTH  
2001 N. FRONT STREET  
BUILDING #3, SUITE 330  
HARRISBURG, PENNSYLVANIA 17102  
[angeloslaw.com](http://angeloslaw.com)

OTHER LOCATIONS:

BALTIMORE, MARYLAND  
NEW YORK, NEW YORK

March 21, 2022

**Via Certified Mail**

See Attached Service List

**RE: DAUPHIN COUNTY ASBESTOS LITIGATION  
Earl Heilner, et al. v. Advanced Thermal Hydronics., et al.  
No. 2022 – CV – 2039 - AS**



Dear Sir or Madam:

Enclosed please find the Complaint and Notice to Defend in the above-captioned matter which was filed with the Dauphin County Prothonotary on March 21, 2022.

The enclosed is being served upon you in accordance with the Pennsylvania Rules of Civil Procedure.

Very truly yours,

*/s/ Jason B. Duncan*

Jason B. Duncan, Esq.

Enclosures



**EARL HEILNER, ET AL.**  
**V.**  
**ADVANCED THERMAL HYDRONICS, LLC, ET AL.**  
**No. 2022 -CV- 2039 - AS**

**SERVICE LIST**  
**(out of state defendants)**

**ADVANCED THERMAL HYDRONICS, LLC**  
850 New Burton Rd., Ste 201  
Dover, DE 19904

**A.O. SMITH CORPORATION**  
The Prentice-Hall Corp. System, Inc.  
251 Little Falls Dr.  
Wilmington, DE 19808

**AURORA PUMP COMPANY**  
n/k/a Pentair, Inc., Aurora Pump  
5500 Wayzata Blvd.  
Suite 600  
Minneapolis, MN 55416

**AUTOMATION INDUSTRIES, INC.**  
Individually and as successor to Hydrotherm, Inc.  
CT Corporation  
Corporation Trust Center  
1209 N. Orange St.  
Wilmington, DE 19801

**BAYER CROPSCIENCE, INC.**  
f/k/a AMCHEM PRODUCTS, INC.  
Corporation Service Co.  
80 State Street  
Albany, NY 12207-2543

**CARRIER CORPORATION**  
United Agent Group  
3411 Silverside Rd.  
Tatnall Building #104  
Wilmington, DE 19810

**CBS CORPORATION**

A Delaware Corporation, f/k/a VIACOM, INC.,  
Successor-by-Merger to CBS CORPORATION,  
a Pennsylvania Corporation, f/k/a  
WESTINGHOUSE ELECTRIC CORP.  
c/o Asbestos Litigation Support Manager  
Eckert Seamans Cherin & Mellott, LLC  
Case Management and Technology Center  
600 Grant Street, 44<sup>th</sup> Floor  
Pittsburgh, PA 15219,

**COLUMBUS McKINNON CORPORATION**

ATTN Legal Department  
205 Crosspoint Parkway  
Getzville, NY 14068,

**COMPUDYNE, LLC,**

f/k/a COMPUDYNE CORP.,  
Successor to York Shipley, Inc.  
112 North Curry Street  
Carson City, NV 89703,

**COOPER INDUSTRIES LLC**

Individually and as Successor-in-Interest to  
CROUSE-HINDS CO.  
The Corporation Trust Co.  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801

**CRANE COMPANY**

100 First Stamford Place  
Stamford, CT 06902,

**DAP PRODUCTS**

2400 Boston Street  
Suite 200  
Baltimore, MD 21224,

**Dynatherm Boiler Manufacturing**

f/k/a Bethlehem Dynatherm  
43 E. Cherry Rd.  
Quakertown, PA 18951

**EASCO BOILER CORP.**

f/k/a Federal Boilers  
1175 Leggett Ave.  
Bronx, NY 10474

**Flexible Technologies, Inc., f/k/a**

Automation Industries, individually and as  
successor to Hydrotherm  
CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801

**FMC CORPORATION**

Individually, and as successor in interest to  
Stearns Electric Corporation and Link-Belt Co./  
Construction Equipment Group  
CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801

**FOSECO, INC.**

CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801

**FOSTER-WHEELER LLC,**

Survivor to a merger with Foster Wheeler Corp.,  
53 Frontage Road, P.O. Box 9000  
Hampton, NJ 08827-9000,

**GENERAL ELECTRIC COMPANY**

CT Corporation System  
155 Federal Street, Suite 700  
Boston, MA 02110

And

CT Corporation System  
600 N. 2<sup>nd</sup> St., Suite 401  
Harrisburg, PA 17101

**GOODRICH CORPORATION**

f/k/a The B.F. Goodrich Company  
2730 W. Tyvola Rd.  
Charlotte, NC 28217

**THE GOODYEAR TIRE &  
RUBBER COMPANY**

Corporate Service Company  
251 Little Falls Dr.  
Wilmington, DE 19808

**GOULDS PUMPS, LLC,**

f/k/a GOULDS PUMPS, INC.,  
CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801

**GREENE, TWEED & CO., INC.,**

Greene, Tweed NC, LLC,  
201 S. Tryon St., Suite 950  
Charlotte, NC 28202

**GTE OPERATIONS SUPPORT, INC,**

Successor in Interest to GTE Products of Connecticut  
Corp. o/b/o CLARK CONTROLLER, CO.,  
CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801

**HB FULLER COMPANY**

1200 Willow Lake Boulevard  
P.O. Box 64683  
St. Paul, MN 55164

**H.B. SMITH COMPANY, INC.,**

a division of MESTEK, Inc.  
47 Westfield Industrial Park Rd.  
Westfield, MA 01085

**HOBART BROTHERS COMPANY**

400 Trade Square E  
Troy, OH 45373

**HONEYWELL INTERNATIONAL, INC.,**

Successor to ALLIED-SIGNAL, INC.,  
Successor to BENDIX CORPORATION  
Corporation Service Company  
251 Little Falls Dr.  
Wilmington, DE 19808

**HONEYWELL, INC.**

Corporation Service Company  
251 Little Falls Dr.  
Wilmington, DE 19808

**IMO INDUSTRIES, INC.,**

Individually and as Parent Company of  
and/or Successor to DeLAVAL PUMP  
& STEAM TURBINE CO.  
CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801

**INDUSTRIAL HOLDINGS CORPORATION,**

f/k/a CARBORUNDUM COMPANY  
Prentice-Hall Corporation  
80 State Street  
Albany, NY 12207

**J.H. FRANCE REFRACTORIES COMPANY**

c/o Alan Parker, President  
Special Claims Services, Inc.  
790 Fairgrounds Rd., Suite 100  
Mount Vernon, OH 43050

**JOHN WOOD COMPANY, LLC**

Corporation Service Company  
251 Little Falls Dr.  
Wilmington, DE 19808

**KEELER/DORR-OLIVER  
BOILER COMPANY, INC.**

1201 N. Market Street, Suite 900  
Wilmington, DE 19801

**KERITE LLC**

Corporation Service Co.  
251 Little Falls Dr.  
Wilmington, DE 19808

**THE LINCOLN ELECTRIC COMPANY**

22801 St. Clair Avenue  
Cleveland, OH 44117

**LINDE, LLC,**

f/k/a THE BOC GROUP, INC.,  
200 Somerset Corporate Blvd, Ste. 7000  
Bridgewater, NJ 08807

**LOCKHEED MARTIN CORPORATION,**

f/k/a MARTIN MARIETTA CORPORATION  
6801 Rockledge Drive  
Bethesda, MD 20817

**MARTIN MARIETTA MATERIALS, INC.**

2710 Wycliff Road  
Raleigh, NC 27607,



**McCORMICK ASBESTOS COMPANY,**  
a/k/a MCIC  
Remaining Director Trustees  
Louis E. Grenzer, Jr.  
Bodie, Dolina, Hobbs, Fridell & Grenzer, P.C.  
305 Washington Avenue, Suite 300  
Towson, MD 21204

**MESTEK, INC.,** individually and as  
Successor-in-interest to Hydrotherm, Inc.  
260 North Elm St.  
Westfield, MA 01085

**MOBIL CORPORATION,**  
Parent of MOBIL OIL CORPORATION  
5959 Las Colinas Boulevard  
Irving, TX 75039

**MORGAN ENGINEERING,**  
f/k/a MORGAN CRANE  
1049 South Mahoning Avenue  
Alliance, OH 44601

**THE OKONITE COMPANY**  
P.O. Box 340  
102 Hilltop Road  
Ramsey, NJ 07446

**PFIZER, INC.**  
235 East 42<sup>nd</sup> Street  
New York, NY 10017

**POLLOCK RESEARCH & DESIGN, INC.,**  
f/k/a READING CRANE & ENGINEERING,  
c/o Alan Gries, Director  
Gibbons, PC  
One Logan Sq., Suite 1210  
Philadelphia, PA 19103

**Reed Financial Corp.**, n/k/a Advanced Thermal  
Hydronics, LLC, as successor to Hydrotherm Corp.  
Delaware Trust Company  
900 Market St.  
Wilmington, DE 19801

**REUNION INDUSTRIES, INC.**,  
f/k/a ALLIANCE MACHINES  
Corporation Service Company  
251 Little Falls Drive  
Wilmington, DE 19808,

**ROCKWELL AUTOMATION, INC.**  
1201 South 2<sup>nd</sup> Street  
Milwaukee, WI 53204

**RSCC WIRE & CABLE, LLC**  
20 Bradley Park Road  
East Granby, CT 06026

**SCHNEIDER ELECTRIC USA, INC.**,  
f/k/a SQUARE D Company  
200 N. Martingale Road, Suite 100  
Schaumburg, IL 60173

**SID HARVEY INDUSTRIES, INC.**  
605 Locust St.  
Garden City, NY 11530-6531

**SUPERIOR BOILER WORKS, INC.**  
3524 E. 4<sup>th</sup> Avenue  
Hutchinson, KS 67501

**TEREX CORPORATION**  
200 Nyala Farms Road  
Westport, CT 06880

**VIKING PUMP, INC.**

CT Corporation  
Corporation Trust Center  
1209 N. Orange St.,  
Wilmington, DE 19801

**WARREN PUMPS, LLC**

CT Corporation  
155 Federal Street  
Suite 700  
Boston, MA 02110

**MARLEY-WYLAIN COMPANY,**

**f/k/a WEIL-McLAIN**  
500 Blaine Street  
Michigan City, IN 46360

**ZURN INDUSTRIES, LLC**

CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801

**ECR International, Inc.,**

a/k/a Dunkirk Boilers, and as successor  
in interest to Utica Boilers  
2201 Dwyer Ave  
Utica, NY 13501



## Supreme Court of Pennsylvania

Court of Common Pleas  
Civil Cover Sheet

DAUPHIN COUNTY County

For Prothonotary Use Only:

Docket No:

2022 CV 2039-AS

RECEIVED  
OFFICE OF  
PROTHONOTARY  
2022 MAR 21 PM 3:55  
DAUPHIN COUNTY  
PENNA.

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

## Commencement of Action:

- ☒ Complaint ☐ Writ of Summons  
☐ Transfer from Another Jurisdiction

- ☐ Petition  
☐ Declaration of Taking

Lead Plaintiff's Name: Earl Heilner, et al.

Lead Defendant's Name: Advanced Thermal Hydronics, et al.

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits  
☒ outside arbitration limits (check one)Is this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Jason B. Duncan, Esquire

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

## TORT (do not include Mass Tort)

- ☐ Intentional  
☐ Malicious Prosecution  
☐ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/ Defamation  
☐ Other: \_\_\_\_\_

## MASS TORT

- ☒ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other: \_\_\_\_\_

## PROFESSIONAL LIABILITY

- ☐ Dental  
☐ Legal  
☐ Medical  
☐ Other Professional: \_\_\_\_\_

## CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other \_\_\_\_\_

- ☐ Employment Dispute:  
 Discrimination  
☐ Employment Dispute: Other \_\_\_\_\_

☐ Other: \_\_\_\_\_

## REAL PROPERTY

- ☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure: Residential  
☐ Mortgage Foreclosure: Commercial  
☐ Partition  
☐ Quiet Title  
☐ Other: \_\_\_\_\_

## CIVIL APPEALS

- Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Statutory Appeal: Other \_\_\_\_\_

- ☐ Zoning Board  
☐ Other: \_\_\_\_\_

## MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgment  
☐ Mandamus  
☐ Non-Domestic Relations  
☐ Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☐ Other: \_\_\_\_\_

RECEIVED  
OFFICE OF  
PROTHONOTARY  
2022 MAR 21 PM 3:55  
DAUPHIN COUNTY  
PENNA

**EARL K. HEILNER, JR., and his wife  
KATHRYN L. HEILNER,**

Plaintiffs,

V.

**ADVANCED THERMAL HYDRONICS, et al.,**

Defendants.

: IN THE COURT OF COMMON PLEAS  
: DAUPHIN COUNTY, PENNSYLVANIA

NO. 2022-CV-2039 -AS

CIVIL ACTION – ASBESTOS

## JURY TRIAL DEMANDED

## NOTICE

YOU HAVE BEEN SUED IN COURT. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering a written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the Court without further notice for any money claimed in the Complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU CAN GET LEGAL HELP.**

## DAUPHIN COUNTY LAWYER REFERRAL SERVICE

213 North Front Street

Harrisburg, PA 17101

(717) 232-7536





EARL K. HEILNER, JR., and his wife  
KATHRYN L. HEILNER,

Plaintiffs,

V.

ADVANCED THERMAL HYDRONICS, et al.,

Defendants.

IN THE COURT OF COMMON PLEAS  
DAUPHIN COUNTY, PENNSYLVANIA

NO. 2022-CV-2039 -AS

CIVIL ACTION – ASBESTOS

## JURY TRIAL DEMANDED

## NOTICE

**CONCERNING MEDIATION OF ACTIONS PENDING BEFORE  
THE COURT OF COMMON PLEAS OF DAUPHIN COUNTY**

The Judges of the Court of Common Pleas of Dauphin County believe that mediation of lawsuits is a very important component of dispute resolution. Virtually all lawsuits can benefit in some manner from mediation.

The Court has adopted Dauphin County Local Rule 1001 to encourage the use of mediation. This early alert enables litigants to determine the best time during the life of their lawsuit for a mediation session. The intent of this early alert is to help parties act upon the requirement to consider good faith mediation at the optimal time.

The Dauphin County Bar Association provides mediation services and can be reached at 717-232-7536. Free medical sessions for pro bono cases referred by MidPenn Legal Services are available through the DCBA.





## JURY TRIAL DEMANDED

2595 Interstate Drive, Suite 103,  
Harrisburg, PA 17110,

and

**A.O. SMITH CORPORATION**

The Prentice-Hall Corp. System, Inc.  
251 Little Falls Dr.  
Wilmington, DE 19808

and

**AURORA PUMP COMPANY**

n/k/a Pentair, Inc., Aurora Pump  
5500 Wayzata Blvd.  
Suite 600  
Minneapolis, MN 55416

and

**AUTOMATION INDUSTRIES, INC.**

Individually and as Successor to Hydrotherm, Inc.,  
CT Corporation  
Corporation Trust Center  
1209 N. Orange St.  
Wilmington, DE 19801

and

**BAYER CROPSCIENCE, INC.,**

f/k/a AMCHEM PRODUCTS, INC.  
c/o Corporation Service Co.  
80 State Street  
Albany, NY 12207-2543

and

**BRAND INSULATIONS, INC.,**

CT Corporation System  
600 N. 2<sup>nd</sup> Street, Suite 401,  
Harrisburg, PA 17101

and

**BURNHAM, LLC,**

Successor by Merger and f/k/a  
BURNHAM CORP.  
1239 Harrisburg Pike,  
Lancaster, PA 17603,

and

**CARRIER CORPORATION,**  
United Agent Group  
3411 Silverside Rd.  
Tatnall Building #104  
Wilmington, DE 19810

and

**CBS CORPORATION**  
A Delaware Corporation, f/k/a VIACOM, INC.,  
Successor-by-Merger to CBS CORPORATION,  
a Pennsylvania Corporation,  
f/k/a WESTINGHOUSE ELECTRIC CORP  
c/o Asbestos Litigation Support Manager  
Eckert Seamans Cherin & Mellott, LLC  
Case Management and Technology Center  
600 Grant Street, 45<sup>th</sup> Floor  
Pittsburgh, PA 15219,

and

**CLEAVER BROOKS, INC.**  
Corporation Service Company  
2595 Interstate Drive, Suite 103  
Harrisburg, PA 17110,

and

**COLUMBUS McKINNON CORPORATION**  
ATTN: Legal Department  
205 Crosspoint Parkway  
Getzville, NY 14068,

and

**COMPUDYNE, LLC,**  
f/k/a COMPUDYNE CORP.,  
Successor to York Shipley, Inc.

112 North Curry Street,  
Carson City, NV 89703

and

**COOPER INDUSTRIES LLC**

Individually and as Successor-in-Interest to  
CROUSE-HINDS CO.  
CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801

and

**CORNING INC. On behalf of its former  
Corhart Refractories Business Division**

Corporation Service Company  
2595 Interstate Drive, Suite 103  
Harrisburg, PA 17110

and

**CRANE COMPANY**

100 First Stamford Place  
Stamford, CT 06902,

and

**DAP PRODUCTS**

2400 Boston Street  
Suite 200  
Baltimore, MD 21224

and

**DYNATHERM BOILER MANUFACTURING,**

a/k/a/ Bethlehem Dynatherm,  
43 E. Cherry Rd.,  
Quakertown, PA 18951

and

**EATON CORPORATION**

As Successor-in-Interest to

CUTLER-HAMMER, INC.,  
n/k/a EATON ELECTRICAL, INC.  
CT Corporation System  
600 N. 2<sup>nd</sup> Street, Suite 401  
Harrisburg, PA 17101,

and

**EASCO BOILER CORP., f/k/a**  
**FEDERAL BOILERS,**  
1175 Leggett Ave.  
Bronx, NY 10474

and

**FLEXIBLE TECHNOLOGIES, INC., f/k/a**  
Automation Industries, Individually and as  
Successor to Hydrotherm, Inc.,  
CT Corporation,  
Corporation Trust Center,  
1209 N. Orange Street,  
Wilmington, DE 19801

And

**FMC CORPORATION**  
Individually, and as successor in interest to  
Stearns Electric Corporation and Link-Belt Co./  
Construction Equipment Group  
CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801,

and

**FOSECO, INC.**  
CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801,

and

**FOSTER WHEELER LLC,**

Survivor to a merger with Foster Wheeler Corp.,  
53 Frontage Road, P.O. Box 9000  
Hampton, NJ 08827-9000,

and

**GENERAL ELECTRIC COMPANY**  
CT Corporation System  
155 Federal Street, Suite 700  
Boston, MA 02110

and

**GOODRICH CORPORATION,**  
f/k/a **THE B.F. GOODRICH CO.,**  
2730 W. Tyvola Road  
Charlotte, NC 28217

and

**THE GOODYEAR TIRE & RUBBER CO.**  
Corporation Service Company  
251 Little Falls Dr.,  
Wilmington, DE 19808,

and

**GOULDS PUMPS, LLC,**  
f/k/a **GOULDS PUMPS, INC.,**  
CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801,

and

**GREENE, TWEED & CO., INC.**  
201 S. Tryon St., Suite 950  
Charlotte, NC 28202,

and

**GTE OPERATIONS SUPPORT, INC.**  
Successor in Interest to GTE Products of  
Connecticut Corporation,

o/b/o CLARK CONTROLLER, CO.,  
CT Corporation, Corporation Trust Center  
1209 N. Orange St.  
Wilmington, DE 19801,

and

**HAJOCA CORP.,**  
Corporation Service Company  
2595 Interstate Dr., Suite 103  
Harrisburg, PA 17110,

and

**H.B. FULLER COMPANY**  
1200 Willow Lake Boulevard  
P.O. Box 64683  
St. Paul, MN 55164,

and

**H.B. SMITH COMPANY, INC.,**  
A Division of MESTEK, INC.,  
47 Westfield Industrial Park Road  
Westfield, MA 01085

and

**HOBART BROTHERS COMPANY,**  
400 Trade Square E  
Troy, OH 45373,

and

**HONEYWELL, INC.**  
Corporation Service Company  
251 Little Falls Dr.  
Wilmington, DE 19808,

and

**HONEYWELL INTERNATIONAL, INC.**  
Successor to ALLIED-SIGNAL, INC.,  
Successor to BENDIX CORPORATION  
Corporation Service Company



251 Little Falls Dr.  
Wilmington, DE 19808,

and

**IMO INDUSTRIES, INC.,**  
Individually and as Parent Company of  
and/or Successor to  
**DeLAVAL PUMP & STEAM TURBINE CO.**  
CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801,

and

**INDUSTRIAL HOLDINGS CORPORATION,**  
f/k/a CARBORUNDUM COMPANY  
Prentice Hall Corporation  
80 State Street  
Albany, NY 12207,

and

**J.H. FRANCE REFRACTORIES COMPANY**  
c/o Alan Parker, President  
Special Claims Services, Inc.  
790 Fairgrounds Rd., Suite 100  
Mount Vernon, OH 43050,

and

**JOHN CRANE, INC.,**  
f/k/a CRANE PACKING CO.,  
CT Corporation System  
600 N. 2<sup>nd</sup> Street, Suite 401,  
Harrisburg, PA 17101,

and

**THE JOHN WOOD COMPANY, LLC**  
Corporation Service Company  
251 Little Falls Dr.  
Wilmington, DE 19808

and

**KEELER/DORR-OLIVER  
BOILER COMPANY, INC.**  
1201 N. Market Street, Suite 900  
Wilmington, DE 19801,

and

**KERITE LLC,**  
Corporation Service Co.  
251 Little Falls Drive  
Wilmington, DE 19808

and

**THE LINCOLN ELECTRIC COMPANY,**  
22801 St. Clair Avenue  
Cleveland, OH 44117,

and

**LINDE, LLC.,**  
f/k/a THE BOC GROUP, INC.,  
200 Somerset Corporate Boulevard, Ste. 7000,  
Bridgewater, NJ 08807,

and

**LOCKHEED MARTIN CORPORATION**  
f/k/a MARTIN MARIETTA CORPORATION  
6801 Rockledge Drive  
Bethesda, MD 20817,

and

**MARTIN MARIETTA MATERIALS, INC.**  
2710 Wycliff Road  
Raleigh, NC 27607,

and

**McCORMICK ASBESTOS COMPANY**  
a/k/a MCIC  
Remaining Director Trustees

Louis E. Grenzer, Jr.  
Bodie, Dolina, Hobbs, Fridell & Grenzer, P.C.  
305 Washington Avenue, Suite 300  
Towson, MD 21204,

and

**MESTEK, INC.**, Individually and as  
Successor-in-Interest to  
HYDROTHERM, INC.  
260 North Elm Street  
Westfield, MA 01085

and

**METROPOLITAN LIFE  
INSURANCE COMPANY, INC.**  
CT Corporation System  
600 N. 2<sup>nd</sup> Street, Suite 401  
Harrisburg, PA 17101,

and

**MOBIL CORPORATION**  
Parent of MOBIL OIL CORPORATION  
5959 Las Colinas Boulevard  
Irving, TX 75039,

and

**MORGAN ENGINEERING,**  
f/k/a MORGAN CRANE  
1049 South Mahoning Avenue  
Alliance, OH 44601,

and

**THE OKONITE COMPANY,**  
P.O. Box 340  
102 Hilltop Road  
Ramsey, NJ 07446,

and

**PECORA CORPORATION**

165 Wambold Road  
Harleysville, PA 19438,

and

**PFIZER, INC.**  
235 East 42nd Street  
New York, NY 10017

and

**POLLOCK RESEARCH & DESIGN, INC.**  
f/k/a READING CRANE & ENGINEERING,  
c/o Alan Gries, Director  
Gibbons, PC  
One Logan Sq., Suite 1210  
Philadelphia, PA 19103

and

**REED FINANCIAL CORP., n/k/a**  
Advanced Thermal Hydronics, LLC,  
as Successor to The Hydrotherm Corp.,  
Delaware Trust Company,  
900 Market Street,  
Wilmington, DE 19801

and

**REUNION INDUSTRIES, INC.,**  
f/k/a ALLIANCE MACHINES  
Corporation Service Company  
251 Little Falls Drive  
Wilmington, DE 19808,

and

**ROCKWELL AUTOMATION, INC.**  
1201 S. 2nd Street  
Milwaukee, WI 53204,

and

**RSCC WIRE & CABLE, LLC.**  
20 Bradley Park Road

East Granby, CT 06082,

and

**SCHNEIDER ELECTRIC USA, INC.,**  
f/k/a SQUARE D COMPANY  
200 N. Martingale Road, Suite 100  
Schaumburg, IL 60173,

and

**SID HARVEY INDUSTRIES, INC.**  
605 Locust St.  
Garden City, NY 11530-6531

and

**SUPERIOR BOILER WORKS, INC.,**  
3524 E. 4th Avenue  
Hutchinson, KS 67501,

and

**TEREX CORPORATION,**  
200 Nyala Farms Road  
Westport, CT 06880,

and

**UNION CARBIDE CORPORATION**  
CT Corporation System  
600 N. 2<sup>nd</sup> Street, Suite 401  
Harrisburg, PA 17101,

and

**UNIVERSAL REFRACTORIES**  
A Division of Thiem Corporation  
Three Rivers Management  
600 River Avenue, Suite 200  
Pittsburgh, PA 15212

and

**ECR INTERNATIONAL, INC.,** Individually

and as Successor-in-Interest to  
**UTICA BOILERS,**  
2201 Dwyer Avenue  
Utica, NY 13501

and

**VIKING PUMP, INC.,**  
CT Corporation  
Corporation Trust Center  
1209 N. Orange St.,  
Wilmington, DE 19801,

and

**WARREN PUMPS, LLC,**  
CT Corporation  
155 Federal Street  
Suite 700  
Boston, MA 02110

and

**MAKLEY-WYLAIN COMPANY, LLC,**  
f/k/a Weil-McLain  
500 Blaine Street  
Michigan City, IN 46360-2388,

and

**ZURN INDUSTRIES, LLC**  
CT Corporation  
Corporation Trust Center  
1209 N. Orange Street  
Wilmington, DE 19801

Defendants.

**COMPLAINT**

AND NOW come, Plaintiffs, Earl and Kathryn Heilner by and through their attorneys,  
the Law Offices of Peter Angelos, P.C., who file this Complaint and in support thereof avers the  
following:

RECEIVED  
OFFICE OF  
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**I. THE PARTIES**

1. Plaintiffs, Earl K. Heilner, Jr. and his wife Kathryn Heilner, (hereinafter “Plaintiffs”) are adult individuals residing at 763 S. Humer St., Enola, PA 17025.

2. The defendants are:

a. Advanced Thermal Hydronics, LLC., f/k/a Reed Financial, Inc., Individually and as Successor in Interest to The Hydrotherm Corporation, with a registered agent at Cogency Global, Inc., 850 New Burton Road, Suite 201, Dover, Delaware 19904.

b. American Premier Underwriters, Individually and Successor-in-Interest to Hydrotherm Corp., with a service address at CT Corporation 1515 Market Street, Philadelphia, PA 19102.

c. Air & Liquid Systems Corporation, as successor-by-merger to Buffalo Pumps, c/o Corporation Service Company, 2595 Interstate Dr., Suite 103, Harrisburg, Pennsylvania 17110.

d. A.O. Smith Corporation, The Prentice-Hall Corporation System, Inc., 251 Little Falls Dr., Wilmington, Delaware 19808.

e. Aurora Pump Company, n/k/a Pentair, Inc., Aurora Pump, 5500 Wayzata Blvd., Suite 600, Minneapolis, MN 55416.

f. Automation Industries, Inc., individually and as successor to Hydrotherm, Inc., CT Corporation, Corporation Trust Center, 1209 N. Orange St., Wilmington, DE 19801.

g. Bayer CropScience, Inc., f/k/a Amchem Products, Inc., Corporation Service Company, 80 State Street, Albany, NY 12207-2543.

h. Brand Insulations, Inc., CT Corporation System, 600 N. 2<sup>nd</sup> Street, Suite 401, Harrisburg, Pennsylvania 17101.

i. Burnham, LLC, Successor-by-Merger and f/k/a Burnham Corp., 1239 Harrisburg Pike, Lancaster, Pennsylvania 17603.

j. Carrier Corporation, United Agent Group, 3411 Silverside Rd., Tatnall Building #104, Wilmington, DE 19810.

k. CBS Corporation, a Delaware corporation, formerly known as Viacom Inc., successor-by-merger to CBS Corporation, a Pennsylvania corporation, formerly known as Westinghouse Electric Corporation, with a service address of c/o Asbestos Litigation Support Manager, Eckert Seamans Cherin & Mellott, LLC, Case Management and Technology Center, 600 Grant Street, 45th Floor, Pittsburgh, Pennsylvania 15219.

l. Cleaver Brooks, Inc., with a service address of c/o Corporation Service Company, 2595 Interstate Drive, Harrisburg, Pennsylvania 17110.

m. Columbus McKinnon Corporation, with an address of ATTN: Legal Department, 205 Crosspoint Parkway, Getzville, NY 14068.

n. CompuDyne, LLC, f/k/a CompuDyne Corp., successor to York Shipley, Inc., 112 North Curry Street, Carson City, NV 89703.

o. Cooper Industries, LLC, individually and as successor- in-interest to Crouse Hinds Co., CT Corporation, Corporation Trust Center, 1209 N. Orange St., Wilmington, DE 19801.

p. Corning, Inc. on behalf of its former Corhart Refractories Business Division, c/o Corporation Service Company, 2595 Interstate Drive, Suite 103, Harrisburg, PA 17110.

q. Crane Company, located at 100 First Stamford Place, Stamford, Connecticut 06902.



r. DAP Products, with a service address of 2400 Boston Street, Baltimore, MD 21224.

s. Dynatherm Boiler Manufacturing, Inc., a/k/a Bethlehem Dynatherm, 43 E. Cherry Road, Quakertown, PA 18951.

t. Eaton Corporation, as successor- in-interest to Cutler-Hammer, Inc., now doing business as Eaton Electrical, Inc., with a service address of c/o CT Corporation System, 600 North 2<sup>nd</sup> Street, Suite 401, Harrisburg, Pennsylvania 17101.

u. Easco Boiler Corp., f/k/a Federal Boilers, 1175 Leggett Ave. Bronx, NY 10474.

v. Flexible Technologies, Inc., f/k/a Automation Industries, Individually and as successor to Hydrotherm, CT Corporation, Corporation Trust Center, 1209 N. Orange Street, Wilmington, DE 19801.

w. FMC Corporation, individually and as successor in interest to Stearns electric Corporation, Link-Belt Company/Construction Equipment Group, CT Corporation, Corporation Trust Center, 1209 N. Orange St., Wilmington, DE 19801.

x. Foseco, Inc., CT Corporation, Corporation Trust Center, 1209 N. Orange St., Wilmington, DE 19801.

y. Foster Wheeler L.L.C., survivor to a merger with Foster-Wheeler Corporation with its main office at 53 Frontage Road, P.O. Box 9000, Hampton, New Jersey 08827-9000.

z. General Electric Company, CT Corporation System, 155 Federal Street, Suite 700, Boston, MA 02110.

aa. Goodrich Corporation, f/k/a The B.F. Goodrich Company, 2730 W. Tyvola Road, Charlotte, NC 28217.

bb. The Goodyear Tire & Rubber Company, Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

cc. Goulds Pumps, LLC, f/k/a Goulds Pumps, Inc., CT Corporation, Corporation Trust Center, 1209 N. Orange St., Wilmington, DE 19801.

dd. Greene, Tweed & Company, Inc., c/o Greene Tweed NC, LLC, 201 S. Tryon St., Suite 950, Charlotte, NC 28202.

ee. GTE Operations Support, Inc., Successor in Interest to GTE Products of Connecticut Corporation, o/b/o Clark Controller Company, CT Corporation, 1209 N. Orange St., Wilmington, DE 19801.

ff. Hajoca Corporation, c/o Corporation Service Company, 2595 Interstate Drive, Suite 103, Harrisburg, PA 17110.

gg. HB Fuller Company, with a service address of 1200 Willow Lake Boulevard, P.O. Box 64683, St. Paul, Minnesota 55164-0683.

hh. HB Smith Company, Inc., a Division of Mestek, Inc., 47 Westfield Industrial Park Rd., Westfield, MA 01085.

ii. Hobart Brothers Company, located at 400 Trade Square E, Troy, Ohio 45373.

jj. Honeywell, Inc., with a service address of 251 Little Falls Dr., Wilmington, DE 19808.

kk. Honeywell International, Inc., successor to Allied Signal, Inc., successor to Bendix Corporation, Corporation Service Co., 251 Little Falls Dr., Wilmington, DE 19808.

ll. IMO Industries, Inc., individually and as parent company of and/or as successor to DeLaval Pump & Steam Turbine Company, CT Corporation, Corporation Trust Center, 1209 N. Orange Street, Wilmington, DE 19801.

mm. Industrial Holdings Corporation, formerly known as Carborundum Company, c/o Prentice Hall Corporation, 80 State St., Albany, NY 12207.

nn. J.H. France Refractories Company, c/o Alan Parker, President, Special Claims Services, Inc., 790 Fairgrounds Rd., Suite 100, Mount Vernon, Ohio 43050.

oo. John Crane, Inc., formerly known as Crane Packing Company, c/o CT Corporation System, 600 N. 2<sup>nd</sup> Street, Suite 408, Harrisburg, PA 17101.

pp. The John Wood Company, LLC, Corporation Service Co., 251 Little Falls Dr., Wilmington, DE 19808.

qq. Keeler/Dorr-Oliver Boiler Company, Inc., 1201 North Market Street, Suite 900, Wilmington, Delaware 19801.

rr. Kerite LLC, Corporation Service Co., 251 Little Falls Dr., Wilmington, DE 19808.

ss. The Lincoln Electric Company located at 22801 St. Clair Avenue, Cleveland, Ohio 44117.

tt. Linde, LLC, f/k/a The BOC Group, Inc., located at 200 Somerset Corporate Boulevard, Suite 7000, Bridgewater, New Jersey 08807.

uu. Lockheed Martin Corporation, formerly known as Martin Marietta Corporation, headquartered at 6801 Rockledge Drive, Bethesda, Maryland 20817.

vv. Martin Marietta Materials, Inc., located at 2710 Wycliff Road, Raleigh, North Carolina 27607.

ww. McCormick Asbestos Company, also known as MCIC, Remaining Director Trustees, Louis E. Grenzer, Jr., Bodie, Dolina, Hobbs, Friddell & Grenzer, P.C., 305 Washington Avenue, Suite 300, Towson, Maryland 21204.

xx. Mestek, Inc., Individually and as successor in interest to Hydrotherm, Inc., located at 260 North Elm Street, Westfield, Massachusetts 01085.

yy. Metropolitan Life Insurance Company, with a service address of c/o CT Corporation System, 600 North 2<sup>nd</sup> Street, Suite 401, Harrisburg, Pennsylvania 17101.

zz. Mobil Corporation, parent of Mobil Oil Corporation, with its corporate headquarters located at 5959 Las Colinas Boulevard, Irving, Texas 75039.

aaa. Morgan Engineering, formerly known as Morgan Crane, located at 1049 South Mahoning Avenue, Alliance, Ohio 445601.

bbb. The Okonite Company, located at P.O. Box 340, 102 Hilltop Road, Ramsey, New Jersey 07446.

ccc. Pecora Corporation, 165 Wambold Road, Harleysville, PA 19438.

ddd. Pfizer, Inc., 235 East 42nd Street, New York, New York 10017.

eee. Pollock Research & Design, Inc., f/k/a Reading Crane & Engineering, c/o Alan Gries, Director, Gibbons, PC, One Logan Square, Suite 1210, Philadelphia, PA 19103.

fff. Reed Financial Corp., n/k/a Advanced Thermal Hydronics, LLC., as Successor to The Hydrotherm Corporation, Delaware Trust Company, 900 Market Street, Wilmington, Delaware 19801.

ggg. Reunion Industries, Inc., formerly known as Alliance Machines, with an address of Corporation Service Company, 251 Little Falls Dr., Wilmington, DE 19808.

hhh. Rockwell Automation, Inc., 1201 S. 2nd Street, Milwaukee, WI 53204.

iii. RSCC Wire & Cable, LLC, located at 20 Bradley Park Road, East Granby, Connecticut 06082.

jjj. Schneider Electric, USA, Inc., f/k/a Square D Company, located at 200 N.

Martingale Road, Suite 100, Schaumburg, IL 60173.

kkk. Sid Harvey Industries, Inc., 605 Locust St., Garden City, NY 11530-6531.

lll. Superior Boiler Works, Inc., located at 3524 E. 4<sup>th</sup> Ave., Hutchinson, KS 67501.

mmm. Terex Corporation, located at 200 Nyala Farms Road, Westport, CT 06880.

nnn. Union Carbide Corporation, with a service address of CT Corporation System, 600 North 2nd Street, Suite 401, Harrisburg, Pennsylvania 17101.

ooo. Universal Refractories, a division of Thiem Corporation, Three Rivers Management, 600 River Ave., Suite 200, Pittsburgh, PA 15212.

ppp. ECR International, Inc., Individually, and as successor-in-interest to Utica Boilers, 2201 Dwyer Ave., Utica, NY 13501.

qqq. Viking Pump, Inc., a/k/a Viking Pump-Houdaille, Inc., CT Corporation, Corporation Trust Center, 1209 N. Orange St., Wilmington, DE 19801.

rrr. Warren Pumps, LLC, CT Corporation, 155 Federal St., Suite 700, Boston, MA 02110.

sss. Marley-Wylain Co., LLC, f/k/a Weil-McClain, 500 Blaine Street, Michigan City, IN 46360-2388

ttt. Zurn Industries, LLC., CT Corporation, Corporation Trust Center, 1209 N. Orange Street, Wilmington, DE 19801.

3. Plaintiffs would also name as defendants the Johns-Manville Corporation, the Johns Manville Sales Corporation, A.P. Green, ACandS, Inc., Babcock & Wilcox, Baldwin Ehret Hill, UNARCO, Amatex Corporation, Forty Eight Insulators Incorporated, Wallace and Gale

Company, Flintkote, Nicolet Industries, Pacor, Inc., Raymark Industries Inc., Raymark Corporation and Raytech, DI Distributors Inc. f/k/a Delaware Insulation Company, Inc., Carey Canada, CertainTeed Corporation, Celotex Corporation, Eagle Picher Industries, Inc., Keene Corporation, Rock Wool Manufacturing Co., H.K. Porter Company, Inc., Pittsburgh Corning Corporation, Asbestos Claims Management Corporation f/k/a National Gypsum, GI Holdings, Inc. f/k/a GAF Corporation, Congoleum Corporation, Owens Corning, Fibreboard Corporation, Armstrong World Industries, Inc., W.R. Grace & Co. - Conn., United States Gypsum Company, U.S. Mineral Products, T&N Plc., AC&S, Inc., Chrysler LLC, f/k/a Daimler Chrysler Corporation, General Motors Corporation, Durabla Mfg. Company, Chesterton Manufacturing Co., Garlock Incorporated, Garlock Sealing Technologies, The Anchor Packing Company, Leslie Controls, Inc., Standco Industries, Inc. f/k/a Standard Brake Lining individually and as successor-in-interest to Sterling Packing and Gasket Company, Inc., and Bondex International, Inc.; George V. Hamilton, Inc; Georgia- Pacific, Kaiser Gypsum, Ferro Engineering Division of ON Marine Services Company, LLC; Owens Illinois, Inc., f/k/a Owens-Illinois Glass Co.; Sears Roebuck; Maremont Corporation; Dana Corporation; Ingersoll-Rand Co; Trane Company; Aldrich Pump, LLC; Murray Boiler, LLC; American Standard, Inc.; OakFabco, Inc.; and General Refractories. However, each of these potential defendants has filed for relief or been forced into involuntary bankruptcy under Chapter 11 of the Bankruptcy Code and, pursuant to 11 U.S.C. Section 362, the institution of actions against these companies is stayed. Plaintiff would have brought suit against the companies enumerated in this paragraph but for the automatic stay.

## **II. ALLEGATIONS RELATING TO ALL DEFENDANTS**

4. At all times, relevant hereto, the defendant corporations acted through their duly authorized agents, servants, and employees, who were then in the course and scope of their

employment and in furtherance of the business of said corporations and who caused asbestos products, and/or products requiring and/or incorporating the use of asbestos, to be sold and placed in the stream of commerce.

5. Each of the Defendants was or is engaged in the business of manufacturing, and/or distributing, and/or constructing, and/or supplying or selling asbestos and asbestos-containing products, and/or products requiring and/or incorporating the use of asbestos, and/or other fibrogenic and carcinogenic materials.

6. Each of the Defendants, at pertinent times hereto, has, or is, transacting business in Dauphin County, Pennsylvania.

### **III. PLAINTIFF'S WORK/ASBESTOS EXPOSURE HISTORY**

7. Plaintiff, Earl Heilner, Jr. served in the Navy and was employed as an insulator and asbestos worker and incurred injurious exposure to asbestos dust and fibers while in the Navy and by the various employers at numerous job sites throughout Pennsylvania from approximately 1960 to the late 1980s.

8. At all times from 1969 to the late 1980s, Plaintiff was a member of the Local 23 asbestos workers and insulators union in Harrisburg, Pennsylvania.

9. From 1960 through December 31, 1964, Plaintiff Earl Heilner, Jr. served in the United States Navy on board the USS Wasp and the USS Lake Champlain.

10. From 1969 through 2001, Plaintiff, as a skilled insulator and member of the Local 23, worked for numerous employers at various job sites, including, but not limited to:

a. AC and S, Inc., of Lancaster, Pennsylvania at numerous locations including but not limited to: Brunner's Island Power Plant, York Haven, Pennsylvania; Three Mile Island Power Plant, Middletown, Pennsylvania; Washingtonville/Montour Powerhouse,

Washingtonville, Pennsylvania; Martin's Creek Power Plant, Bangor, Pennsylvania; Shamokin Dam, aka, Sunbury Generation, L.P. in Sunbury, PA; Peach Bottom Nuclear Powerhouse, Delta, PA; Berwick Nuclear Powerhouse; Portland Powerhouse, Portland, PA, State Police Academy Hershey, PA; and numerous other locations throughout Pennsylvania, New Jersey, and Ohio.

b. Numerous other employers at various locations including but not limited to: Brunner's Island Power Plant, York Haven, Pennsylvania; Three Mile Island Nuclear Power Plant, Middletown, Pennsylvania; Washingtonville/Montour Powerhouse, Washingtonville, Pennsylvania; Martin's Creek Power Plant, Bangor, Pennsylvania; Shamokin Dam, aka, Sunbury Generation, L.P. in Sunbury, PA; Portland Powerhouse, Portland, PA; Peach Bottom Nuclear Powerhouse, Delta, PA; Bruce Mansfield Power Plant, Alquippa, PA; US Steel, Clairton Works, Clairton, PA; Pfizer facility Easton, PA; Bethlehem Steel, Bethlehem, PA; Hammermill Papermill, Lock Haven, PA; Hanover Foods, Hanover, PA; Armstrong World Industries, Lancaster/Manheim, PA; Hershey Foods, Hershey, PA; Medusa Cement factory, York, PA; and numerous other jobsites throughout Pennsylvania, Maryland, and Ohio.

c. For Brand Insulation at numerous jobsites throughout Pennsylvania including but not limited to: Brunner's Island Power Plant, Three Mile Island Nuclear Powerplant, Peach Bottom Nuclear Powerplant, and various other jobsites.

d. For Keene Insulation at numerous jobsites throughout Pennsylvania including but not limited to: Three Mile Island Nuclear Powerplant, and various other jobsites.

10. On a regular and/or frequent basis from 1960 through the 1990s, Plaintiff was exposed to asbestos dust and fibers from the defendant corporations during his work at the aforementioned job sites, and others throughout Pennsylvania.

#### **IV. PRODUCT IDENTIFICATION**



11. The asbestos-containing products, and/or products requiring and/or incorporating the use of asbestos, which were manufactured and/or distributed, and/or constructed, and/or supplied by the Defendants, and each of them, to which Plaintiff was exposed from 1964 to the 1980s are as follows:

a. Defendant, Advanced Thermal Hydronics, LLC., f/k/a Reed Financial, Inc., is responsible for The Hydrotherm Corporation, which manufactured, distributed, constructed, and/or supplied various asbestos products including but not limited to boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications such as fire brick, tape, insulation, cement, and rope.

b. Defendant, American Premier Underwriters, is responsible for Hydrotherm Corporation, which manufactured, distributed, constructed, and/or supplied various asbestos products including but not limited to boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications such as fire brick, tape, insulation, cement, and rope.

c. Defendant Air & Liquid Systems Corporation, successor-by-merger to Buffalo Pumps manufactured, distributed, constructed, and/or supplied pumps and other equipment which required and/or incorporated the use of asbestos-containing gaskets and packing.

d. Defendant A.O. Smith Corporation manufactured, distributed, constructed, and/or supplied various asbestos products including, but not limited to, boilers and other containers which either came pre-packaged with asbestos products or required the installation of

various asbestos products in their specifications, such as asbestos fire brick, cement and rope.

e. Defendant Aurora Pump Company manufactured, distributed, constructed, and/or supplied pumps and other equipment which required and/or incorporated the use of asbestos-containing gaskets and packing.

f. Automation Industries, Inc., individually and as successor to Hydrotherm, Inc., is responsible for Hydrotherm, Inc., which manufactured, distributed, constructed, and/or supplied various asbestos products including but not limited to boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications such as fire brick, tape, insulation, cement, and rope.

g. Defendant Bayer CropScience, Inc., formerly known as Amchem Products, Inc. manufactured, distributed, constructed, and/or supplied asbestos mastic.

h. Defendant Brand Insulations, Inc., was an insulation contractor that supplied and applied asbestos containing insulation, packing, and other products on numerous job sites where Plaintiff was employed and in fact, employed Mr. Heilner at several jobsites.

i. Defendant Burnham, LLC, Successor-by-Merger and f/k/a, Burnham Corp., manufactured, distributed, constructed, and/or supplied various asbestos products including, but not limited to, boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications, such as asbestos fire brick, cement and rope.

j. Defendant Carrier Corporation, manufactured, distributed, constructed, and/or supplied various asbestos products including, but not limited to, boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications, such as asbestos fire brick, cement and rope.

k. Defendant CBS Corporation, formerly known as Westinghouse Electric Corporation manufactured, distributed, constructed, and/or supplied various products including, but not limited to, electrical products, wire, gaskets, valves, packing, brakes, machinery, vessels and turbines, all of which either contained asbestos or required the installation of asbestos.

l. Defendant Cleaver Brooks, Inc manufactured, distributed, constructed, and/or supplied boilers, which were designed or intended to be insulated with asbestos.

m. Defendant Columbus McKinnon Corporation manufactured, distributed, constructed, and/or supplied asbestos-containing hoists, actuators, cranes, and lifting and rigging tools.

n. Defendant CompuDyne, LLC, f/k/a CompuDyne Corp., is responsible for York Shipley, Inc. products which manufactured, distributed, constructed, and/or supplied various asbestos products including, but not limited to, boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications, such as asbestos fire brick, cement and rope.

o. Defendant Cooper Industries LLC, successor-in-interest to Crouse Hinds Co. manufactured, distributed, constructed, and/or supplied various asbestos-containing construction machinery and equipment which incorporated the use of asbestos components including, but not limited to, brake pads and/or bands as well as asbestos containing explosion proof fitting and/or packing under the name Chico X.

p. Corhart Refractories Co., this company is liable for various asbestos-containing refractory products and other products including, but not limited to, asbestos-containing cement, block and brick.

q. Defendant Crane Company: manufactured, and/or distributed, and/or

constructed, and/or supplied asbestos-containing valves as well as being responsible for products supplied by Pacific Steel Boilers, which manufactured, and/or distributed, and/or, constructed, and/or supplied various asbestos products including, but not limited to, boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications, such as asbestos fire brick, cement and rope.

r. Defendant DAP Products, manufactured, distributed, and/or sold numerous asbestos-containing products including, but not limited to, Tharco boiler putty, joint compound, powder, paste, readimix, dry mix, caulk, and/or insulating cement.

s. Dynatherm Boiler Manufacturing, Inc., a/k/a Bethlehem Dynatherm, manufactured, distributed, constructed, and/or supplied various asbestos products including but not limited to boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications, such as asbestos fire brick, tape, insulation, cement, and rope.

t. Defendant Eaton Corporation, successor-in-interest to Cutler-Hammer, Inc., now known as Eaton Electrical, Inc. manufactured, distributed, constructed, and/or supplied various asbestos-containing products including, but not limited to, brakes, arc shields, breaker boxes, fuses, panels, and wire under the Cutler-Hammer brand or trade name.

u. Defendant Easco Boiler Corp., formerly known as Federal Boilers, manufactured, distributed, constructed, and/or supplied various asbestos products including, but not limited to, boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications, such as asbestos fire brick, cement and rope.

v. Flexible Technologies, Inc., f/k/a Automation Industries, Individually and as

Successor to Hydrotherm, Inc., is responsible for Hydrotherm, Inc., which manufactured, distributed, constructed, and/or supplied various asbestos products including but not limited to boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications such as fire brick, tape, and insulation, cement, and rope.

w. Defendant FMC Corporation, manufactured, distributed, constructed, sold, and/or supplied pumps, cranes, excavators, industrial brakes and clutches that contained asbestos-containing components including asbestos packing, gaskets, friction disks, brake linings, and clutch facing. This defendant is successor in interest to and liable for Stearns Electric corporation products which manufactured industrial electric brakes with asbestos containing friction disks. Additionally, this defendant is successor in interest and liable for Link-Belt Company/Construction Equipment Group which manufactured, supplied, constructed, or sold cranes, excavators and other industrial equipment that utilized asbestos-containing component parts including brakes, brake linings, and clutch facings. Further, FMC Corporation is the successor in interest and manufacturer and/or supplier of various pumps under the names “Northern” and “Peerless” which utilized asbestos-containing component parts including packing, insulation, gaskets, and valves.

x. Defendant Foseco, Inc. manufactured, distributed and/or sold numerous asbestos-containing products under the brand name “Foseco” including, but not limited to, heat/mold liners, tops, sleeves, powder, and hot tops.

y. Defendant Foster Wheeler manufactured, distributed, constructed, and/or supplied various asbestos products including, but not limited to, boilers and other containers which either came pre-packaged with asbestos products or required the installation of various

asbestos products in their specifications, such as asbestos fire brick, cement, insulation, and rope. Also, supplied various types of asbestos-containing block and cement under various brand or trade names including, but not limited to, Forty-Eight Insulation and Webers.

z. Defendant General Electric Company manufactured, distributed, constructed, and/or supplied various asbestos-containing products including, but not limited to, electrical products; brakes; wire; motors; vessels and turbines which specified the installation of asbestos-containing products.

aa. Defendant Goodrich Corporation, f/k/a The B.F. Goodrich Company: manufactured, and/or distributed, and/or constructed, and/or supplied vinyl asbestos floor tile, including "Koroseal," sheet packing gaskets, adhesives, and manufactured Cranite sheet gaskets for Crane Company.

bb. Defendant The Goodyear Tire & Rubber Company manufactured, distributed, constructed, and/or supplied various gasketing material including, but not limited to, sheet gasket material.

cc. Defendant Goulds Pumps, LLC, manufactured, distributed, constructed, and/or supplied pumps and other equipment which required and/or incorporated the use of asbestos-containing insulation, gaskets, and packing.

dd. Defendant Greene, Tweed & Company, Inc. and/or its predecessors and/or its subsidiaries manufactured, distributed, constructed, and/or supplied, among other products, asbestos-containing packing and gaskets and other asbestos-containing products.

ee. Defendant GTE Operations Support, Inc., as successor in interest to GTE Products of Connecticut Corporation manufactured, distributed, and/or sold various asbestos-containing products and brakes under the Clark brand or trade name.

ff. Defendant Hajoca Corporation, was a supplier of various asbestos-containing products to include but not limited to asbestos-containing protective clothing, packaged or bagged asbestos, asbestos products and compounds, gaskets and packing, asbestos paper rolls, asbestos cement, fire felt, millboard, joint runners, pipe covering, rollboard, rope, sheet packing, wick packing, fibre coating, joint cement, furnace cement, firebrick, block insulation, valves, discs, steam trap and cord.

gg. Defendant HB Fuller Company manufactured, distributed, constructed, and/or supplied asbestos-containing products including, but not limited to, Foster Mastic and C.I. Mastic.

hh. Defendant HB Smith Company, Inc., a Division of Mestek, Inc., manufactured, distributed, constructed, and/or supplied various asbestos products including, but not limited to, boilers, asbestos containing rope, wick, insulating cement, furnace cement, fill and millboard for use during installation of its boilers.

ii. Defendant Hobart Brothers Company manufactured, distributed, and/or supplied asbestos-containing welding rods.

jj. Defendant, Honeywell, Inc., manufactured, produced and sold asbestos products, either directly or indirectly, in the geographical area in which Plaintiff worked, asbestos products, including but not limited to asbestos containing valves.

kk. Defendant Honeywell International, Successor to Allied Signal, Inc., and successor to Bendix Corporation manufactured, produced, distributed, and/or supplied numerous asbestos-containing products including, but not limited to, asbestos-containing brake shoes, linings, pads, blocks, and other asbestos-containing friction products.

ll. Defendant IMO Industries, Inc., individually and as parent company of,



and/or as successor to, DeLaval Pump & Steam Turbine Company manufactured, distributed, constructed, and/or supplied various asbestos containing products including, but not limited to, turbines, pumps and other equipment which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications, such as thermal insulation, cement, gaskets, packing, and rope.

mm. Defendant Industrial Holdings Corporation, f/k/a Carborundum Company, manufactured, distributed, and/or supplied asbestos-containing and/or asbestos-coated grinding and cutting wheels under the name Carborundum.

nn. Defendant J.H. France Refractories Company manufactured, distributed, constructed, and/or supplied asbestos insulation and refractories under the name “Franco Therm,” in addition to many asbestos-containing products such as millboard, rope, and insulating board.

oo. Defendant John Crane, Inc., formerly known as Crane Packing Company manufactured, distributed, and/or supplied various asbestos-containing products including, but not limited to, gaskets, valves, rope packing, and sheet packing.

pp. Defendant the John Wood Company LLC manufactured, distributed, constructed, and/or supplied various asbestos containing products including, but not limited to, boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications, such as asbestos fire brick, cement, insulation, and rope.

qq. Defendant Keeler/Dorr-Oliver Boiler Company manufactured, and/or distributed, and/or constructed, and/or supplied various asbestos products including, but not limited to, boilers (including those under the Keeler brand name) and other containers which



either came pre-packaged with asbestos products or required the installation of various asbestos-containing products in their specifications, such as asbestos fire brick, cement, and rope.

rr. Defendant Kerite LLC manufactured, distributed, and/or supplied asbestos-containing wire and cable products designed to conduct electrical current.

ss. Defendant The Lincoln Electric Company manufactured, distributed, and/or supplied asbestos-containing welding rods.

tt. Defendant Linde, LLC manufactured, distributed, constructed, and/or supplied various asbestos products including, but not limited to, boilers and other containers or equipment and construction machinery which either came pre-packaged with asbestos products or required the installation of various asbestos-containing products in their specifications, such as asbestos fire brick, cement, and rope, or brakes and brake bands.

uu. Defendant Lockheed Martin Corporation manufactured, distributed, and/or supplied various asbestos-containing fireproofing, and/or compound and coating products, and/or equipment requiring the use of such asbestos-containing products. In addition, this Defendant manufactured, and/or distributed, and/or supplied, and/or sold asbestos-containing Dum-Dum caulk/cement, adhesives and roof coatings.

vv. Defendant Martin Marietta Materials, Inc. manufactured, distributed, and/or supplied various asbestos-containing fireproofing, and/or compound and coating products, and/or equipment requiring the use of such asbestos-containing products.

ww. Defendant McCormick Asbestos Company, also known as MCIC manufactured, and/or distributed, and/or constructed, and/or supplied various asbestos-containing products including, but not limited to, spray-applied asbestos plaster and fireproofing.

xx. Defendant Mestek, Inc., is responsible for Hydrotherm, Inc., which

manufactured, distributed, constructed, and/or supplied various asbestos products including, but not limited to, boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications, such as asbestos fire brick, cement, packing, gaskets, valves, tape, insulation, and rope.

yy. Defendant Metropolitan Life Insurance Company in conjunction with various asbestos product manufacturers, distributors, and miners, this Defendant, individually and as agent for asbestos product manufacturers, distributors and miners, aided, abetted, encouraged, counseled, assisted, agreed, and conspired with asbestos product manufacturers, distributors and miners to injure Plaintiffs by, among other things, providing funding for a study that revealed Canadian asbestos miners suffered from asbestosis and by materially misrepresenting that known fact, and in various other ways concealing information and otherwise preventing workers and responsible authorities from learning of the health hazards posed by exposure to asbestos dust and fibers.

zz. Defendant Mobil Corporation manufactured, distributed, supplied, and/or sold asbestos-containing Dum-Dum caulk/cement, adhesives, and roof coatings.

aaa. Defendant Morgan Engineering manufactured, distributed, constructed, and/or sold various asbestos-containing products including, but not limited to, overhead cranes and other machinery which either came prepackaged with asbestos products or required the installation of various asbestos products in the specifications, such as asbestos brakes.

bbb. Defendant The Okonite Company manufactured, supplied, and/or distributed AVA and AVL asbestos-containing wire and cable used in industrial applications.

ccc. Defendant Pecora Corporation manufactured, distributed, and/or supplied numerous asbestos-containing products, including, but not limited to, asbestos furnace

cement, refractory cement, pipe joint compound, architectural caulk, gun caulking compound (known as Red Devil Caulking Compound), and Weathercaulk, mirror mastic, and putty.

ddd. Defendant Pfizer, Inc.: Kilnoise plastering and drywall products, and various products under the Quigley name including, but not limited to, Insulag, Insuline, and Panelag Hot Top materials, sold as an apparent manufacturer.

eee. Defendant Pollock Research & Design, Inc. f/k/a Reading Crane & Engineering manufactured, distributed, constructed, and/or supplied various asbestos-containing products including, but not limited to, overhead cranes and other machinery which either came prepackaged with asbestos products or required the installation of various asbestos products in the specifications, such as asbestos brakes.

fff. Reed Financial Corp., n/k/a Advanced Thermal Hydronics, LLC., is responsible for The Hydrotherm Corporation, which manufactured, distributed, constructed, and/or supplied various asbestos products including but not limited to boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos products in their specifications such as fire brick, tape, insulation, cement, and rope.

ggg. Defendant Reunion Industries, Inc. manufactured, and/or distributed, and/or constructed, and/or sold various asbestos-containing products including, but not limited to, overhead cranes and other machinery which either came prepackaged with asbestos products or required the installation of various asbestos products in the specifications such as asbestos brakes.

hhh. Defendant Rockwell Automation, Inc., individually and as successor in interest to Allen Bradley, is responsible for manufacturing, various asbestos-containing electrical

products including under the brand name Allen Bradley.

iii. Defendant RSCC Wire & Cable, Inc. manufactured, distributed, and/or supplied various asbestos-containing electrical products under the manufacturer and/or brand names of Rockbestos, Cerro, A.V.C., Mosistemp, and Hi-Temp.

jjj. Defendant Schneider Electric, formerly known as Square D Company manufactured, and/or distributed, and/or constructed, and/or supplied various asbestos-containing products including, but not limited to electrical products and brakes under the Square D and/or E C & M brand or trade names.

kkk. Defendant Sid Harvey Industries, Inc. is a supplier of asbestos-containing and/or asbestos-specifying products used in the heating, plumbing, ventilation, and air conditioning industry, and such products included but were not limited to protective clothing, packaged or bagged asbestos, asbestos paper, rope, packing, fire felt, millboard, joint runners, joint cement, pipe covering, rollboard, asbestos cement, gaskets, sheet packing, block insulation, fire brick, valves, discs, cord, and refractory materials, insulation, and equipment for use with boilers and furnaces.

lll. Defendant Superior Boiler Works, Inc. manufactured, and/or distributed, and/or constructed, and/or supplied various asbestos containing products including, but not limited to, boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos-containing products in their specifications, such as asbestos fire brick, cement, insulation, packing, and rope.

mmm. Defendant Terex Corporation - individually and through its predecessor, American Crane and Lorain Crane, manufactured, constructed, sold, and /or distributed various equipment and machinery, including but not limited to cranes, which incorporated and / or

required the use of asbestos- containing products including, but not limited to, brakes, brake pads and clutches, for their normal use.

nnn. Defendant Union Carbide Corporation: various asbestos-containing products including, but not limited to, “Bakelite,” asbestos-containing brake shoes, linings, blocks, pads, and other asbestos-containing friction products. In addition, this defendant was a distributor, and/or supplier, and/or seller of asbestos fibre, milled asbestos, processed asbestos, and packaged or bagged asbestos including under the name “Calidria.” This defendant is also responsible for boilers, pressure vessels, furnaces, and other containers (under various trade names) which incorporated and/or required the use of asbestos containing products including, but not limited to, insulation, packing, rope, cement, valves, gaskets, and firebrick, for their normal use.

ooo. Defendant Universal Refractories manufactured, distributed, constructed, and/or supplied various refractory products including asbestos-containing block, cement, and brick, including but not limited to asbestos containing fiber boards and linings, tops, and hot tops.

ppp. Defendant ECR International, Inc., is responsible for Utica Boilers, which manufactured, and/or distributed, and/or constructed, and/or supplied various asbestos containing products including, but not limited to, boilers and other containers which either came pre-packaged with asbestos products or required the installation of various asbestos-containing products in their specifications, such as asbestos fire brick, cement, insulation, packing, gaskets, tape, and rope.

qqq. Defendant Viking Pump, Inc. manufactured, distributed, and/or supplied pumps and other equipment which required and/or incorporated the use of asbestos containing

gaskets, valves, insulation, rope, and packing.

rrr. Defendant Warren Pumps, LLC manufactured, distributed, and/or supplied pumps and other equipment which required and/or incorporated the use of asbestos-containing gaskets, valves, insulation, rope, and packing.

sss. Defendant The Marley-Wylain Company, formerly known as, Weil – McLain manufactured, distributed and constructed various asbestos products including, but not limited to, boilers and other containers which either came prepackaged with asbestos products or required the installation of various asbestos products in their specifications, such as asbestos fire brick, cement, insulation, packing, valves, gaskets, and rope.

ttt. Defendant Zurn Industries, LLC manufactured, distributed, constructed, and/or supplied various asbestos products including, but not limited to, boilers (including those under the Erie City and Keystone brand names) and other containers which either came prepackaged with asbestos products or required the installation of various asbestos-containing products in their specifications, such as asbestos fire brick, cement, insulation, packing, valves, gaskets, and rope.

## **V. NOTICE OF INJURIES**

12. Plaintiff Earl Heilner, sustained an asbestos-related injury and was diagnosed with Asbestosis and Lung cancer on or about March 26, 2021.

## **VI. CAUSES OF ACTION**

### **COUNT I** **Product Liability**

13. Plaintiffs incorporate by reference the relevant allegations contained in the preceding paragraphs as if fully set forth herein.

14. The Defendants' asbestos products, and/or products requiring and/or incorporating the use of asbestos, were defective in design and/or construction in that they contained harmful, deleterious, carcinogenic, and otherwise inherently and latently dangerous asbestos fibers which unreasonably endangered the life and health of the ultimate users thereof, including Plaintiff. Defendants placed their asbestos products, and/or products requiring and/or incorporating the use of asbestos, on the market knowing that they would be used without inspection for such defects.

15. At the time each of the Defendants manufactured, distributed, and/or supplied and were otherwise in possession of the aforesaid asbestos products, such products were expected to, and did, reach Plaintiff in a condition without substantial change from that in which such products were when within the possession of Defendants.

16. Plaintiff, unaware of the defective and unreasonably dangerous condition of the Defendants' asbestos products, and at a time when such products were being used for the purposes for which they were intended, was exposed in the course of his employment and during his career working as an insulator and asbestos worker, to Defendants' asbestos products.

17. Defendants, and each of them, are therefore strictly liable to Plaintiffs under the Restatement of Torts (Second), Sections 402A and 402B.

18. As a legal, factual, direct, and/or proximate result of the above-described exposure to Defendants' asbestos products, Plaintiff Earl Heilner suffers from lung cancer and related diseases and attendant thereto has a fear of dying as a result thereof, as a direct result of the inhalation of the asbestos fibers manufactured and/or supplied by the Defendants.

19. Plaintiff, suffers physical pain and emotional and mental pain, anxiety and anguish, and lost the ability to enjoy life as he otherwise would if not suffering from lung cancer.

20. As a further legal, factual, direct and/or proximate result of the exposure



and injuries described above, Plaintiff was and is in need of medical treatment, and has incurred expenses for medical and hospital care and treatment which is likely to continue.

WHEREFORE, Plaintiffs demand judgment against each and every one of the Defendants for an unspecified amount for compensatory damages and an unspecified amount for punitive damages, plus costs, attorneys' fees and such further relief as may be appropriate.

**COUNT II**  
**Breach of Implied Warranty**

21. Plaintiffs incorporate by reference the relevant allegations contained in the preceding paragraphs as if fully set forth herein.

22. Defendants, and each of them, impliedly warranted that their asbestos products, and/or products requiring and/or incorporating the use of asbestos, were of good and merchantable quality and fit and suitable for the particular use for which said products were intended.

23. The implied warranties of merchantability and suitability were breached in that harmful, poisonous, deleterious, and inherently dangerous asbestos dust and fibers were released into the air and atmosphere at the work sites where Plaintiff carried out his duties using said products.

24. As a legal, factual, direct, and/or proximate result of the breach of the aforementioned warranties, Plaintiff developed lung cancer, without negligence or want of due care on the part of Plaintiff contributing thereto.

WHEREFORE, Plaintiffs demand judgment against each and every one of the Defendants for an unspecified amount for compensatory damages, plus costs, attorneys' fees, and such further relief as may be appropriate.



**COUNT III**  
**Negligence**

25. Plaintiffs incorporate by reference the relevant allegations contained in the preceding paragraphs as if fully set forth herein.

26. Defendants, and each of them, knew or in the exercise of reasonable care should have known that persons in the position of the Plaintiff would, through his employment, be required to, and would in fact, come into contact with and work in close proximity to the Defendants' asbestos products, and/or products requiring and/or incorporating the use of asbestos.

27. Defendants, and each of them, knew or in the exercise of reasonable care should have known that their asbestos products were both health-threatening and life-threatening.

28. Defendants, and each of them, negligently and with willful, wanton, reckless and outrageous disregard for the rights and health of Plaintiff and other persons in Plaintiff's position, omitted and failed, *inter alia*:

a. To advise Plaintiff of the dangerous characteristics of their asbestos products, and/or products requiring and/or incorporating the use of asbestos;

b. To provide Plaintiff with the knowledge as to what would be reasonably safe and sufficient safeguards, including wearing apparel and protective and monitoring equipment, which could have been employed to protect Plaintiff from the harmful exposure to their asbestos products, and/or products requiring and/or incorporating the use of asbestos;

c. To place any warnings or, alternatively, adequate warnings, on their asbestos products, and/or products requiring and/or incorporating the use of asbestos, or containers thereof, to advise the users of the products and those exposed thereto of the dangers of the exposure and of breathing asbestos fibers and dust;

d. To package and contain their asbestos products, and/or products requiring and/or incorporating the use of asbestos, in a manner to lessen or eliminate the inhalation of asbestos fibers during the installation and removal thereof;

e. To take reasonable precautions or to exercise reasonable care to publish, and/or adopt, and/or communicate safety plans and safe methods of handling, and/or installing, and/or removing their asbestos products, and/or products requiring and/or incorporating the use of asbestos, and otherwise to recommend methods to improve the work environment;

f. To develop and distribute asbestos-free products.

29. As a legal, factual, direct, and/or proximate result of the negligence and willful, wanton, reckless, and outrageous disregard of the Defendants, and each of them, Plaintiff's decedent developed and died from the aforementioned mesothelioma as a result of his exposure to Defendants' aforementioned asbestos products, without negligence or want of due care on the part of Plaintiff's decedent contributing thereto.

WHEREFORE, Plaintiffs demand judgment against each and every one of the Defendants for an unspecified amount for compensatory damages and an unspecified amount for punitive damages, plus costs, attorneys' fees, and such further relief as may be appropriate.

#### **COUNT IV**

##### **Intentional Conduct - Fraudulent Concealment**

30. Plaintiffs incorporate by reference the relevant allegations contained in the preceding paragraphs as if fully set forth herein.

31. At all times relevant hereto, each and every Defendant aided, assisted, and encouraged the distribution and sale of Defendants' products, including those complained of herein, without adequate warnings, other safety precautions, or change in design, by the

participation in, and the utilization of, industry-wide and supported and/or parallel product research and development, exchanges of information, marketing, advertising, promotion, and/or other similar endeavors; all of which such effort inured to the joint and mutual benefit of all such suppliers in the wide and continued distribution, sale and use of Defendants' products.

32. Since a time prior to exposure of Plaintiff to the Defendants' products, Defendants, and each of them, have been possessed with substantial medical and scientific data by which these Defendants clearly knew that their products were, or were likely to become, hazardous to the life, health and safety of a person in the position of Plaintiff who was exposed to their products.

33. The aforementioned medical and scientific data includes a vast list of articles and other documents which established that by 1935 asbestosis was widely recognized as a mortal threat affecting a large fraction of those persons who had regularly worked with asbestos and asbestos products.

34. The aforementioned articles and documents include more than 80 reports printed prior to 1935 in various medical and industry publications. A true and correct list of these articles can be found on pages 40 through 47 of the book entitled "Asbestos: Medical and Legal Aspects" by Barry I. Castleman, Fourth Edition published by Aspen Law & Business, copyright 1996.

35. In addition, the aforementioned articles and documents include more than 100 publications between 1938 and the mid-1950's linking exposure to asbestos with cancer. A true and correct list of these articles and documents can be found on pages 137 through 158 of the aforementioned book by Barry I. Castleman.

36. Defendants, and each of them, became aware, prior to Plaintiff's exposure to their

asbestos products, and/or products requiring and/or incorporating the use of asbestos, of a substantial number of these articles and documents and the information and knowledge contained therein.

37. Nevertheless, prompted by pecuniary motives, each of the Defendants individually and collectively failed and intransigently refused:

- a. To act upon the aforementioned medical and scientific data;
- b. To warn users of their products and those who worked in close proximity thereto, including Plaintiff, of the health-threatening and life-threatening dangers of exposure to, and the breathing of, asbestos fibers and dust;
- c. To take such other reasonable precautions necessary to lessen the dangers and potentially lethal and dangerous characteristics of their asbestos products, and/or products requiring and/or incorporating the use of asbestos, upon Plaintiff.

38. Defendants, and each of them, in willful, wanton, reckless, and outrageous disregard for human life and health, deliberately, intentionally, and purposely withheld and concealed the aforementioned medical and scientific information from users, and bystanders of users, of their products, including Plaintiff.

39. Plaintiff, unaware of the dangers of life and health resulting from exposure to Defendants' asbestos products, and/or products requiring and/or incorporating the use of asbestos, and not possessing the degree of technical knowledge and expertise of the Defendants concerning asbestos and its use, continued to work with and around their products and was deprived by the above-described acts and omissions of Defendants of the free and informed opportunity to remove himself from exposure to Defendants' asbestos products, and/or products requiring and/or incorporating the use of asbestos, and otherwise to protect himself and his

family from exposure thereto.

40. The Defendants' fraudulent conduct of concealment, as set forth in the paragraphs above, was a legal, factual, direct, and/or proximate cause of Plaintiff's aforementioned lung cancer, injuries and suffering, and related damages.

WHEREFORE, Plaintiffs demand judgment against each and every one of the Defendants for an unspecified amount for compensatory damages and an unspecified amount for punitive damages, plus costs, attorneys' fees, and such further relief as may be appropriate.

**COUNT V**  
**Conspiracy**

41. Plaintiffs repeat, reiterate and reallege each and every allegation contained in the paragraphs above with the same force and effect as if hereinafter set forth at length.

42. Defendant, Metropolitan Life Insurance Company, is a mutual life insurance company with its principal place of business in New York. At all relevant times Defendant did business in the State of New Jersey and the Commonwealth of Pennsylvania.

43. Defendant Metropolitan Life Insurance Company, in conjunction with various asbestos product manufacturers, distributors, and miners, individually and as an agent for asbestos product manufacturers, distributors and miners, aided, abetted, encouraged, counseled, assisted, agreed and conspired with asbestos product manufacturers, distributors and miners to injure Plaintiff by, among other things, providing funding for a study that revealed Canadian asbestos miners suffered from asbestosis and by materially misrepresenting that known fact, and in various other ways concealing information and otherwise preventing workers and responsible authorities from learning of the health hazards posed by exposure to asbestos dust and fibers.

WHEREFORE, in addition to, or in the alternative to the relief requested in previous counts, Plaintiffs demand judgment against Metropolitan Life Insurance Company named in this Complaint, jointly and severally as to themselves and each and every other defendant named in this Complaint in an unspecified amount for compensatory damages and punitive damages, plus costs, attorney's fees and such further relief as may be appropriate.

**COUNT VI**  
**Loss of Consortium**

44. Plaintiff's spouse incorporates by reference the relevant allegations contained in the preceding paragraphs as if fully set forth herein.

45. Plaintiff's spouse is, and at all times relevant hereto, has been married to Plaintiff.

46. As a legal, factual, direct, and/or proximate consequence of the aforementioned acts, omissions, failures, and breaches of warranty, duty, and law by the Defendants, and each of them, Plaintiff's spouse has suffered and/or will suffer a loss of consortium to the detriment of her marital relationship with Plaintiff.

WHEREFORE, Plaintiff's spouse claims damages against each and every one of the Defendants for an unspecified amount for compensatory damages, and an unspecified amount for punitive damages, plus costs, attorneys' fees, and such further relief as may be appropriate.

**AMOUNT IN CONTROVERSY**

47. The amount in controversy exceeds the jurisdictional amount requiring arbitration under Dauphin County Rule 1301.

**DEMAND FOR JURY TRIAL**

48. Plaintiffs elect to have their case tried before a jury.

LAW OFFICES OF PETER ANGELOS, P.C.

A handwritten signature in black ink, appearing to read "Jason B. Duncan", is written over a horizontal line.

Jason B. Duncan, Esquire

PA I.D. No. 87946

Lauren S. Linsenchach

PA I.D. No. 326818

Building 3, Suite 330

2001 North Front Street

Harrisburg, PA 17102

(717) 232-1886

Fax: (717) 232-4189

### VERIFICATION

I, Earl K. Heilner, Jr., hereby certify that I am a Plaintiff in the instant matter and the facts contained in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Date: march 15 2022

Earl K. Heilner, Jr.  
Earl K. Heilner, Jr.



### VERIFICATION

I, **Kathryn Heilner**, hereby certify that I am a Plaintiff in the instant matter and the facts contained in the foregoing Complaint are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

Date: march 15 2022

Kathryn Heilner  
**Kathryn Heilner**

**CERTIFICATE OF SERVICE**

I, Jason B. Duncan, Esquire of the Law Offices of Peter Angelos do hereby certify that on this 21<sup>st</sup> day of March, 2022, I have served true and correct copies of the Complaint and Notice to Defend, upon all defendants named in the Complaint.

**LAW OFFICES OF PETER ANGELOS, P.C.**

A handwritten signature in black ink, appearing to read 'Jason B. Duncan', written over a horizontal line.

Jason B. Duncan, Esquire  
2001 North Front Street  
Building 3, Suite 330  
Harrisburg, PA 17102

PETER ANGELOS

ITEM 330

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Foster Wheeler, LLC, Survivor to a merger  
with Foster Wheeler Corporation  
53 Frontage Road  
PO Box 9000  
Hampton, NJ 08827-9000

